

By: Harris

S.B. No. 410

Substitute the following for S.B. No. 410:

By: Howard of Travis

C.S.S.B. No. 410

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain municipal peace officers on a lake located partly in a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 31, Parks and Wildlife Code, is amended by adding Section 31.1211 to read as follows:

Sec. 31.1211. JURISDICTION OF MUNICIPAL PEACE OFFICERS.

(a) Notwithstanding any other law limiting the enforcement jurisdiction of a peace officer, a peace officer of a municipality who is certified as a marine safety enforcement officer under Section 31.121 may enforce the provisions of this chapter within an area of a lake that is outside the enforcement jurisdiction of the peace officer if:

(1) any portion of the lake is contained in the corporate limits or extraterritorial jurisdiction of the municipality; and

(2) the municipality has entered into a memorandum of understanding with the governmental entity having enforcement jurisdiction in that area granting the peace officer enforcement jurisdiction in the area.

(b) The memorandum of understanding under Subsection (a)(2) must:

(1) designate the jurisdiction that has the authority to conduct any prosecution or ongoing investigation of a violation

1 resulting from an enforcement action under this section; and

2 (2) be approved by the Parks and Wildlife Department.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2007.